

United States District Court
for the
Western District of New York

In the Matter of the Search of:

A parcel addressed to "Jesica Maldonado, 425 Goodyear Ave., Buffalo, NY 14211" which further bears a return address of "Carmen I. Alvarado, Urb. Las Delicias, 2515 Calle Jose Benitez, Ponce, PR 00728-3822." The Priority Mail parcel bears USPS tracking number 9505 5104 1508 7321 2167 80, and is a brown, cardboard box measuring approximately **16.5" x 13" x 13"**, weighing approximately **11 lbs 1.0 oz**, bearing **\$49.45** in postage, and was mailed from Coto Laurel, Puerto Rico 00780. Case No. 17-MJ-1158

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property:

A parcel addressed to "Jesica Maldonado, 425 Goodyear Ave., Buffalo, NY 14211" which further bears a return address of "Carmen I. Alvarado, Urb. Las Delicias, 2515 Calle Jose Benitez, Ponce, PR 00728-3822." The Priority Mail parcel bears USPS tracking number 9505 5104 1508 7321 2167 80, and is a brown, cardboard box measuring approximately **16.5" x 13" x 13"**, weighing approximately **11 lbs 1.0 oz**, bearing **\$49.45** in postage, and was mailed from Coto Laurel, Puerto Rico 00780 (hereinafter the "Subject Parcel").

located in the Western District of New York, there is now concealed (*identify the person or describe the property to be seized*):
narcotics containing controlled substances.

The basis for search under Fed. R. Crim. P. 41(c) is (*check one or more*):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of 21 U.S.C. §§ 841, 844, and 846 [*statutory violation(s)*].

The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Applicant's signature

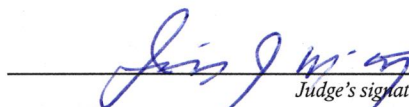
BRIAN RICHARDS
U.S. POSTAL INSPECTOR

Printed name and title

Sworn to before me and signed in my presence.

Date: November 24, 2017

City and state: Buffalo, New York



Judge's signature

HONORABLE JEREMIAH J. MCCARTHY
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF ERIE) SS:
CITY OF BUFFALO)

BRIAN RICHARDS, being duly sworn, deposes and states:

1. I am a United States Postal Inspector for the United States Postal Inspection Service (USPIS) and have been so employed since August 2010. I am currently assigned to the Buffalo, New York field office. In my capacity as a Postal Inspector, I have completed training in the investigation and prosecution of violations of federal statutes within the investigative jurisdiction of the Postal Inspection Service, to include: mail theft, identity theft, narcotics trafficking, fraud, and financial crimes. I am currently assigned to the Prohibited Mail/Fraud Team with the responsibility of investigating violations of federal laws where the U.S. Mails are used to facilitate money laundering. In addition, I also have the responsibility of investigating violations of federal laws where the U.S. Mails are used to transport prohibited items, including controlled substances, which have been sent from locations within and outside of the United States. I have participated in investigations that have resulted in the arrest of individuals who have distributed and received controlled substances, as well as the seizure of illegal narcotics.

2. In my capacity as an Inspector with the Postal Inspection Service, I work closely with a team of Postal Inspectors who have investigated numerous narcotics crimes involving

the United States Mail. I have consulted with those Postal Inspectors and other law enforcement agents regarding this investigation, and as a result, when I refer to what another Postal Inspector and or law enforcement officer has done, observed or heard, I am doing so based upon my discussion with that individual, or by reading his or her reports or letters.

DESCRIPTION OF ITEM TO BE SEARCHED

3. I make this affidavit in support of an application for a warrant authorizing the search of the following **U.S. Postal Service Priority Mail parcel**:

A parcel addressed to "**Jesica Maldonado, 425 Goodyear Ave., Buffalo, NY 14211**" which further bears a return address of "**Carmen I. Alvarado, Urb. Las Delicias, 2515 Calle Jose Benitez, Ponce, PR 00728-3822.**" The Priority Mail parcel bears USPS tracking number **9505 5104 1508 7321 2167 80**, and is a brown, cardboard box measuring approximately **16.5" x 13" x 13"**, weighing approximately **11 lbs 1.0 oz**, bearing **\$49.45** in postage, and was mailed from Coto Laurel, Puerto Rico 00780 (hereinafter the "Subject Parcel").

4. Since this affidavit is being submitted for the limited purpose of securing a search warrant for the Subject Parcel, I have not included each and every fact known to me concerning this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of a violation of Title 21, United States Code, Sections 841, 844 and 846 will be located within the Subject Parcel.

SUSPICIOUS CHARACTERISTICS OF MAIL PARCELS OFTEN FOUND TO CONTAIN CONTRABAND OR NARCOTICS

5. Based on my training and experience, I am aware that the Postal Service's Priority Mail Express service was custom-designed to fit the needs of businesses by

providing overnight delivery for time-sensitive materials. Priority Mail Express parcels typically used by businesses to send documents often utilize typewritten labels, are sent in pre-printed cardboard mailers, and typically weigh, on average, up to 2 pounds. Corporate charge accounts were also developed by the Postal Service so that businesses would be able to enter their account number directly on the Priority Mail Express label, thus avoiding time-consuming cash payments for each business mailing. Priority Mail Express also comes with a "built-in" unique tracking number that can be used to track the status of each parcel. In contrast to Priority Mail Express, Priority Mail service developed primarily to allow businesses and the general public a means to expedite delivery of items within a specific timeframe, typically within 2-4 days, when overnight service is not required. Priority Mail also comes with a "USPS Tracking Number" that can be used to track the status of each parcel, in the same way Priority Mail Express parcels are tracked. Priority Mail also offers mailers the ability to send documents (or other items) in a pre-printed cardboard mailer, which typically weighs up to 2 pounds, similar to the option available using a Priority Mail Express pre-printed cardboard mailer.

6. Based on my training and experience, I have learned that narcotics traffickers often utilize Priority Mail Express and Priority Mail for the transportation of controlled substances, or the proceeds from the sale of controlled substances, based upon the fact that Priority Mail Express and Priority Mail can quickly move the items to the delivery destination. Perhaps more importantly, the movement of packages via Priority Mail Express and Priority Mail can also be tracked via telephone and/or the internet based upon the unique tracking number assigned to each specific parcel. This is important to narcotics

traffickers because any delay in the delivery of the mail can serve as an indication to the mailer that the items have possibly been intercepted by the U.S. Postal Inspection Service. Additionally, items sent via Priority Mail Express or Priority Mail are considered to be first-class mail, and therefore, cannot be opened without a Federal Search Warrant.

7. I am also aware, based upon my training and experience, that parcels containing contraband often display many similar qualities. For example, these packages may often display some or all of, but not limited to, the following characteristics:

- a. Unlike typical Priority Mail Express or Priority Mail business mailings containing documents, which usually have typed labels, parcels known to have contained controlled substances and/or their proceeds typically bear a handwritten label. Based on my training and experience, and upon the training and experience of fellow Postal Inspectors, I know that drug dealers routinely use handwritten mailing labels when they transport narcotics and/or their proceeds through the mails.
- b. The absence of a corporate account number listed on a label indicates the sender paid for postage using cash or its equivalent. A package containing controlled substances typically does not contain a corporate account number, thereby indicating that the sender of the package paid cash or its equivalent, which is less traceable. Based on my training and experience, and upon the training and experience of fellow Postal Inspectors, senders of parcels containing controlled substances are known to pay for postage using cash in order to remain anonymous and to therefore avoid detection.
- c. The handwritten label will often contain one or more of the following: misspelled words, incomplete addresses, fictitious addresses, or is addressed to and/or from fictitious persons. Based upon your affiant's experience and discussions with other experienced Postal Inspectors, I am aware that individuals who ship and/or receive drugs via the mail often employ fictitious return addresses and/or names not associated with the addresses, in order to avoid detection. This allows them to distance themselves from the contraband should the parcel be intercepted by law enforcement.
- d. Packages containing controlled substances are normally heavier than the typical business mailing (described in paragraph 5 above) containing documents.

- e. Parcels containing controlled substances often have an originating Post Office that is located in a different area, town or city than the return address listed on the parcel. The distance between the two locations can vary. Traveling various distances is often used by mailers of illegal narcotics and their proceeds in order to avoid detection, recognition, and/or being caught on surveillance video.
- f. Parcels containing controlled substances are often heavily taped or glued on the seams of the parcel, and/or the outside of the package is wrapped with a type of paper covering. Heavy taping or gluing of seams, or wrapping the exterior of the package is consistent with parcels known to have contained illegal narcotics. Such efforts appear to be an attempt to contain any odors which might otherwise emanate from the package. In addition, suspicious parcels sometimes are packaged in decorative boxes to appear as gifts and/or bear markings that include "fragile" or "perishable." Mailers of illegal substances sometimes use such indicators, including purchasing services such as insurance, in order to make the parcels appear more legitimate, mundane and inconspicuous.
- g. Parcels containing controlled substances may be shipped from locations which, based upon previous successful interdictions, are known source locations for the distribution of illegal narcotics.

Parcels found to meet any or all of the characteristics described above are often scrutinized by Inspectors through address verifications and trained narcotic-detecting canine examination. Postal Inspectors have been authorized to seize packages, including Priority Mail Express and Priority Mail, which contain illegal narcotics that were shipped from areas around the country and Puerto Rico.

PROBABLE CAUSE TO SEARCH THE SUBJECT PARCEL

8. On or about November 20, 2017, Postal Inspectors were alerted to the Subject Parcel during a routine review of incoming mail. The parcel was initially deemed suspicious because it shared characteristics known to be associated with packages containing narcotics. Specifically, the parcel originated in Puerto Rico, which is a known source location for narcotics, it was heavier than a typical business mailing and associated with other parcels known to contain have contained controlled substances.

9. On or about November 20, 2017, upon further inspection, I became suspicious of the Subject Parcel because it shared additional characteristics and attributes common to other parcels known to have contained controlled substances. Specifically, the Subject Parcel is sent via Priority Mail which bears a USPS Tracking Number that can be used for tracking purposes and bears a handwritten label. The postage was paid with cash or its equivalent, and the parcel is heavier (more than 3 pounds) than a typical business mailing. In addition, a check of a law enforcement database revealed that the sender information appears to be fictitious. Specifically, the listed sender (Carmen I. Alvarado) could not be associated with the listed return address. Finally, the parcel is coming from Puerto Rico, a known source location for illicit narcotics trafficking.

10. Based on these factors, I decided to submit the parcel to a trained narcotics-detecting canine for examination. On November 20, 2017, I met United States Border Patrol Officer Randy C. James and his K-9, "BAK," at the Postal Inspection Service office located at 1200 Main Place Tower, Buffalo, NY 14202, where "BAK" performed a drug sniff of the Subject Parcel within an office space. The intentional array consisted of 9 boxes, 8 of which were known not to contain narcotics, and one box being the Subject Parcel. The boxes were placed at various points in the room, in no particular order. The handler let the canine search the room. The canine searched the entire room, and, according to Officer James, "BAK" alerted only to the Subject Parcel. According to Officer James, the dog sniff of the Subject Parcel resulted in a positive alert, indicating that "BAK" detected the odor of a controlled substance that he has been trained to detect. See, Affidavit of Officer Randy C. James incorporated as part of this affidavit.

CONCLUSION

11. Based upon the foregoing, it is therefore respectfully submitted that there is probable cause to believe that the above-referenced Subject Parcel contains fruits, evidence, and instrumentalities related to narcotics trafficking and distribution in violation of Title 21, United States Code, Sections 841, 844 and 846.

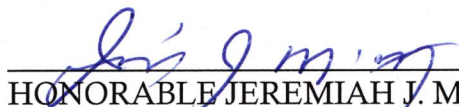
WHEREFORE, it is respectfully requested that a search warrant be issued to search the contents of the Subject Parcel for controlled substances.



BRIAN RICHARDS
U.S. Postal Inspector

Sworn to and subscribed before me

this 24th day of November, 2017.



HONORABLE JEREMIAH J. MCCARTHY
United States Magistrate Judge

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CR#

AFFIDAVIT

State of **NEW YORK** }
County of **ERIE** } ss

I, Randy C. James Employed by United States Border Patrol Niagara Falls NY
Name Address City State Zip Code

By this affidavit, make the following statement of fact:

I am a Senior Border Patrol Agent and Canine Handler with the United States Border Patrol in Niagara Falls, NY. I have been employed by the Border Patrol since January 26, 1998. I currently hold a United States Border Patrol Narcotics and Concealed Human Detection Certification. My Canine partner Bak (#150006) and I have received 200 hours of basic training in the detection of concealed humans and the detection of the odors of marijuana, cocaine, methamphetamines, heroin, ecstasy and their derivatives. Bak received his original training and certification at the Border Patrol National Canine Facility in Front Royal, VA. Bak has been certified in the detection of the odors of concealed humans and narcotics since August 2015. Bak and I conducted this training at the Border Patrol National Canine Facility in Front Royal, VA. We achieved our first annual certification in August 2015. Canine Bak and I train sixteen hours a month in order to maintain our concealed human and narcotics certification. During our training sessions, canine Bak is tested (using real narcotics obtained from the Drug Enforcement Administration). The narcotics are concealed in various locations and environments. Canine Bak is required to locate the narcotics. Canine Bak has been trained to alert to the odors of narcotics and then follow the alert to source. Once at the source of the odor, Bak has been trained to indicate the source of the odor by sitting or staring. During the training sessions Bak consistently demonstrates a high degree of proficiency in locating narcotics.

On December November 20, 2017, I Randy C. James received a request for canine assistance from United States Postal Inspector Brian Richards. Inspector Richards informed me that he a suspicious mail parcel. Prior to conducting a canine "sniff", Inspector Richards showed me the room that would be used to conduct the sniff of the suspicious mail parcel. To ensure that test area was clear of any odors Bak is trained to detect, I had Inspector Richards witness as Bak conducted a canine "sniff" of eight parcels of mail. The suspicious parcel was then introduced into the previously cleared search area. Bak again conducted a "sniff" of the room, this time he alerted and indicated to only the suspicious parcel. Based upon the canine's behavior, I believe the parcel contains the odor of an illegal narcotic substance.

Verification by Subscription and Notice
Under Penal Law Section 210.45

It is a crime, punishable by a class A misdemeanor under the laws of the State of New York, for a person, in and by written instrument, to knowingly make a false statement, or to make a statement which such person does not believe to be true.

Affirmed under penalty of perjury this

20th day of November 2017
Randy C. James
Deponent